



Richard J. Berry, Mayor

AIR QUALITY CONSTRUCTION PERMIT #3300
FACILITY CDS #NM/001/00141
Facility ID: FA0002997; Record ID: PR0008316



Mary Lou Leonard, Director

Issued to: The University of New Mexico
 Department of Safety and Risk
 MSC07 4100
 1 University of New Mexico
 Albuquerque, NM 87131

Certified Mail #7016 1370 0000 2023 6215
 Return Receipt Requested

Responsible Official: David Harris, Executive VP of Administration

Pursuant to the New Mexico Air Quality Control Act, Chapter 74, Article 2 New Mexico Statutes Annotated 1978 (As Amended); the Joint Air Quality Control Board Ordinance, 9-5-1 to 9-5-99 ROA 1994; the Bernalillo County Joint Air Quality Control Board Ordinance, Bernalillo County Ordinance 94-5; the Albuquerque-Bernalillo County Air Quality Control Board (A-BC AQCB) Regulation Title 20, New Mexico Administrative Code (20 NMAC), Chapter 11, Part 40 (20.11.40 NMAC), Air Contaminant Source Registration; and A-BC AQCB Regulation Title 20, NMAC, Chapter 11, Part 41 (20.11.41 NMAC), Construction Permits; **The University of New Mexico** (Company or Permittee) is hereby issued this **CONSTRUCTION PERMIT** and authorized to operate the following equipment at:

Facility/Location	Facility Process Description	SIC	NAICS
UNM Popejoy Hall (Building #72) 203 Cornell Dr NE Albuquerque, NM 87131 13S UTM 352292 E, 3883381 N	480 hp/300 kW Diesel-Fired Emergency Generator	8221	611310

This **CONSTRUCTION PERMIT** #3300 has been issued based on the review of the application received by the Albuquerque Environmental Health Department (Department), Air Quality Program on October 12, 2016 which was deemed complete on November 11, 2016, and on the National Ambient Air Quality Standards, New Mexico Ambient Air Quality Standards, and Air Quality Control Regulations for Albuquerque/Bernalillo County, as amended. As these standards and regulations are updated or amended, the applicable changes will be incorporated into Construction Permit #3300 and will apply to the facility.

Issued on the _____ day of _____, 20__

 Isreal L. Tavarez, Environmental Health Manager
 Permitting Division
 Air Quality Program
 Environmental Health Department
 City of Albuquerque

I. CONDITIONS-- Conditions have been imposed in this permit to assure continued compliance. 20.11.41.19.D NMAC states that any term or condition imposed by the Department on a permit or permit modification is enforceable to the same extent as a regulation of the Board. Pursuant to 20.11.41 NMAC, the facility is subject to the following conditions:

1. Construction and Operation-- Compliance will be based on Department inspections of the facility, reviews of production records, and timely submission of appropriate permit applications for modifications, equipment substitutions, and relocations.

a) This permit authorizes the following:

i. Replacement of an older model emergency generator with a new 480 hp generator that is subject to New Source Performance Standards (NSPS) Subpart IIII.

b) This permit authorizes the construction and operation of the following equipment:

Unit Number	Unit Description	Manufacturer	Model Number	Serial Number	Date of Manufacture	Date of Equipment Installation	Rated Process Rate	Unit Subject To NSPS
1	Diesel-Fired Engine	Caterpillar	C9 ACERT	TBD*	TBD*	TBD*	480 hp	Yes
	Generator	Caterpillar	C9 ACERT	TBD*	TBD*	TBD*	300 kW	No

* TBD – to be determined, see Condition 5(c)

- c) All equipment shall be maintained as per manufacturer specifications to ensure the emissions remain at or below the permitted levels.
- d) This facility shall be constructed and operated in accordance with information provided on the permit application received **October 12, 2016** and in accordance with the legal authority specified above and the conditions of this permit.
- e) Prior to any asbestos demolition or renovation work, the Department must be notified and proper permits shall be obtained and Code of Federal Regulations (CFR), Title 40, Part 61 (40 CFR 61) Subpart M may apply.
- f) Unit #1 is subject to Federal NSPS, 40 CFR 60 Subpart IIII - Standards of Performance for Stationary Compression Ignition Internal Combustion Engines, and Subpart A - General Provisions. Unit #1 will commence construction after July 11, 2005 and will be manufactured after April 1, 2006. Accordingly, Unit #1 shall comply with all applicable requirements of 40 CFR 60 Subparts A and IIII.
- g) National Emissions Standard for Hazardous Air Pollutants (NESHAP) found in 40 CFR 63 Subpart ZZZZ – National Emission Standards for Hazardous Air Pollutants for Source Category: Stationary Reciprocating Internal Combustion Engines apply and this facility shall comply with the specific requirements found in this subpart as well as the general requirements of 40 CFR 63 Subpart A - General Provisions. The permittee shall comply with the specific requirements of Subpart ZZZZ applicable to new engines.
- h) Replacement of emission units for which an allowable emissions limit has been established in the permit may be requested by the permittee through a technical permit revision in accordance with 20.11.41.28.B NMAC.

- i) The following equipment located at the facility is restricted to operate as follows:
- ii. Unit #1 shall be restricted to a maximum of 200 hours of operation based on a 12-month rolling total, and shall only be operated during loss of commercial power and as required by the manufacturer for engine exercising/maintenance. Pursuant to 40 CFR 60 Subpart IIII §60.4211(f), Unit #1 shall be limited to 100 hours per year of maintenance checks and readiness testing. Unit #1 may operate up to 50 hours per year in non-emergency situations, but those 50 hours are counted towards the 100 hours per year provided for maintenance and testing. The 50 hours per year for non-emergency situations cannot be used for peak shaving or to generate income for the facility to supply power to an electric grid or otherwise supply non-emergency power as part of a financial arrangement with another entity. Routine or non-emergency operation of the unit or operation for any other purposes, except as stated above, shall be a violation of this permit.
 - iii. The permittee shall meet the diesel fuel requirements as required by 40 CFR 60 Subpart IIII §60.4207(b).
 - iv. The permittee shall operate and maintain Unit #1 according to the manufacturer's written instructions or procedures developed by the permittee that have been approved by the manufacturer. In addition, the permittee may only change those settings that are allowed by the manufacturer. The permittee must also meet the requirements of 40 CFR Parts 89, 94, and/or 1068 as they apply. This condition is Pursuant to 40 CFR 60 Subpart IIII §60.4211.
 - v. In accordance with 40 CFR 63 Subpart ZZZZ §63.6590(c), an affected source that is a new or reconstructed stationary RICE located at an area source "must meet the requirements of this part by meeting the requirements of 40 CFR 60 Subpart IIII, for compression ignition engines." The permittee shall comply with the specific requirements of Subpart IIII applicable to new stationary compression ignition internal combustion engines meeting the definition of a new engine.
- j) Changes in plans, specifications, and other representations proposed in the application documents shall not be made if they will increase the potential to emit or cause a change in the method of control of emissions or in the character of emissions. Any such proposed changes shall be submitted as a modification to this permit. No modification shall begin prior to issuance of a permit.
- k) The emission of a regulated air pollutant in excess of the quantity, rate, opacity, or concentration specified in an air quality regulation or permit condition that results in an excess emission is a violation of the air quality regulation or permit condition and may be subject to an enforcement action. The owner or operator of a source having an excess emission shall, to the extent practicable, operate the source, including associated air pollution control equipment, in a manner consistent with good air pollution control practices for minimizing emissions. This condition is pursuant to 20.11.49.14 NMAC.

The remainder of this page has been intentionally left blank.

2. **Unit Emission Limits**-- Condition 2, Unit Emission Limits, has been placed in the permit in accordance with 20.11.41.19.B and C NMAC and 40 CFR 60 Subpart IIII, to allow the Department to determine compliance with the terms and conditions of the permit. These were the emission rates stated in the permit application and are the basis of the Department's review. Compliance will be based on Department inspections of the facility and upon compliance with the emission limits and opacity readings conducted in accordance with the test methods specified in Condition 6 – **Compliance Tests**.

a) Unit #1 shall not exceed the emissions limits stated in the table below. Ton per year (tpy) emission limits shall be based on a 12-month rolling total.

Unit Emission Limits

Unit #	NO _x + NMHC lb/hr ³	NO _x + NMHC tpy	CO lb/hr	CO tpy	SO ₂ lb/hr	SO ₂ tpy	TSP lb/hr	TSP tpy	PM ₁₀ lb/hr	PM ₁₀ tpy	PM _{2.5} lb/hr	PM _{2.5} tpy	Percent Opacity	Record Keeping Requirements ¹	Monitoring Requirements ¹	Reporting Requirements ¹	Compliance Testing ²
1	3.17	0.32	2.75	0.28	0.98	0.098	0.16	0.016	0.16	0.016	0.16	0.016	20% 40% start-up	Yes	Yes	Yes	No

¹ Refer to Conditions 3, 4, and 5 for unit-specific record keeping, monitoring, and reporting requirements

² Refer to Condition 6 unit specific compliance testing requirements

³ For emissions inventory reporting, the combined total of the NO_x and NMHC emission rates shall not exceed the combined NMHC+NO_x emission limits specified in the table above. See Condition 5(g) for individual NO_x and NMHC lb/hr emission rates.

- b) In accordance with 40 CFR 60 Subpart IIII §60.4205(b), owner and operators of 2007 model year and later emergency stationary diesel-powered engines with a displacement of less than 30 liters per cylinder that are not fire engines must comply with the emission standards for new non-road diesel engines in §60.4202, for all pollutants, for the same model year and maximum engine power for their 2007 model year and later emergency stationary diesel engine. Unit #1 shall comply with the emission standards in 40 CFR 89.112(a) for the maximum permitted engine power or the pound per hour (lb/hr) and opacity emission limits as specified in Condition 2(a).
- c) For Unit #1, compliance with CO, NO_x + NMHC, TSP, PM₁₀, and PM_{2.5} pound per hour (lb/hr) emissions limits, shall be shown by meeting the requirements of 40 CFR 60 Subpart IIII §60.4211(c).
- d) Unit #1 shall not cause or allow visible air emissions from any stationary diesel powered engine to exceed 20 percent opacity for any six (6) minute timed average. During the first twenty (20) minutes of cold start-up, the visible emissions shall not exceed 40 percent opacity for any (6) minute timed average. No increase of load shall be applied so as to cause an emission having an opacity greater than 40 percent during any time interval. This condition is pursuant to 20.11.5.13.C NMAC.

The remainder of this page has been intentionally left blank.

3. **Record keeping**--Condition 3 has been placed in the permit in accordance with 20.11.41.19.B(4) NMAC, 20.11.41.19.C(8) and (11) NMAC, and 40 CFR 60 Subpart IIII to allow the Department to determine compliance with the terms and conditions of the permit. Compliance will be based on Department inspection of records and logs.

- a) Maintain an accurate monthly log for Unit #1 hours of operation, both as a monthly total and as a 12-month rolling total.

This information shall be retained at the plant site for the most recent two-year period and shall be made available to Department personnel upon request.

4. **Monitoring**--Condition 4 has been placed in the permit in accordance with 20.11.41.19.B(4) NMAC, 20.11.41.19.C(7),(8),(9),(10) and (11) NMAC, and 40 CFR 60 Subpart IIII, to allow the Department to determine compliance with the terms and conditions of the permit. Compliance will be based on Department inspection of equipment and logs. The permittee shall install the appropriate equipment deemed necessary by the Department for performance testing and continuous emissions monitoring.

- a) Install a non-resettable hour meter prior to the startup of Unit #1. This condition is pursuant to 40 CFR 60 Subpart IIII §60.4209(a).

- b) Monitor the annual hours of operation for Unit #1.

5. **Reporting**-- Condition 5 has been placed in the permit in accordance with 20.11.41.19.B(4) NMAC, 20.11.41.19.C(9) and (11) NMAC, 20.11.41.21 NMAC, and 20.11.90 NMAC to allow the Department to determine compliance with the terms and conditions of the permit. Compliance will be based on timely submittal of the reports, notifications, and required information and shall be made in accordance with 40 CFR 60 Subpart IIII - Standards of Performance for Stationary Compression Ignition Internal Combustion Engines, 40 CFR 60 Subpart A - General Provisions, and 20.11.41.21 NMAC.

The permittee shall notify the Department in writing of:

- a) The anticipated startup of the source not less than thirty (30) days prior to that date (20.11.41.21.A(1) NMAC);
- b) The actual date of initial startup of the source within fifteen (15) days after the initial startup date (20.11.41.21.A(3) NMAC);
- c) All information labeled "TBD" cited under Condition 1(a) within thirty (30) days of installation;
- d) Any change in control or ownership, name, address, or contact information. The permittee may request an administrative permit revision in accordance with 20.11.41.28.A NMAC;
- e) Any permit update or correction as required by 20.11.41 NMAC no more than 60 days after the permittee knows or should have known about the condition that requires updating or correction of the permit (20.11.41.21.A(6) NMAC);
- f) Replacement of emission units for which an allowable emissions limit has been established in the permit may be requested through a technical permit revision in accordance with 20.11.41.28.B NMAC;

- g) An annual (January 1 through December 31 of the previous year) emissions inventory to include the annual hours of operation for Unit #1 together with descriptions of any reconfiguration of process technology and air pollution equipment by March 15 every year. The emissions inventory shall be calculated based on each individual pollutant's permitted pound per hour rate and reported for the actual hours of operation. **The combined NMHC+NO_x emission standard shall be reported as individual emissions. The emission rate for NO_x is 3.02 lb/hr and NMHC is 0.16 lb/hr.** Emission rates that are determined through compliance testing shall be used for all emission inventory reporting requirements (20.11.41.21.B NMAC); and,
- h) The permittee of a source having an excess emission shall provide the Department with the following reports on forms provided by the Department:
 - i. INITIAL REPORT: The permittee shall file an initial report, no later than the end of the next regular business day after the time of discovery of an excess emission pursuant to 20.11.49.15.A(1) NMAC;
 - ii. FINAL REPORT: The permittee shall file a final report, no later than 10 days after the end of the excess emission. If the period of an excess emission extends beyond 10 days, the permittee shall submit the final report to the department within 72 hours of the date and time the excess emission ceased. This condition is pursuant to 20.11.49.15.A(2) NMAC and 20.11.49.15.C NMAC; and,
 - iii. ALTERNATIVE REPORTING: If the facility is subject to the reporting requirements of 40 CFR Parts 60, 61, and 63 and the federal requirements duplicate the requirements of 20.11.49.15 NMAC, then the federal reporting requirements shall suffice. This condition is pursuant to 20.11.49.15.D NMAC.
- 6. **Compliance Tests**-- Condition 6 has been placed in the permit in accordance with 40 CFR 60 Subpart A - General Provisions, 20.11.41.22 NMAC, and 20.11.90.13 NMAC. Compliance will be based on the satisfactory completion of the compliance tests, the timely submittal of the emission unit test results to the Department, and on meeting the emission limits specified in Condition 2.
 - a) Initial and annual compliance testing requirements for Unit #1 have not been imposed at this time.
 - b) Compliance tests and a testing schedule may be re-imposed (or imposed) if inspections of the source indicate non-compliance with permit conditions or the previous test showed non-compliance or was technically unsatisfactory. All compliance tests shall be conducted in accordance with EPA Methods contained in Appendix A of 40 CFR 60, unless otherwise approved by the Department.
 - c) For all compliance tests, the owner or operator shall notify the Department at least fifteen (15) days prior to the test date and allow a representative of the Department to be present at the test (20.11.41.22 NMAC and 40 CFR 60 Subpart A - General Provisions).
 - d) For all compliance tests, the permittee shall provide for the Department's approval a written test protocol at least fifteen (15) days prior to the anticipated test date. The protocol shall describe the test methods to be used (including sampling locations), and shall describe data reduction procedures. Any variation from the established sampling and analytical procedures or from facility operating conditions shall be presented for Department approval.
 - e) For all compliance tests, the test protocol and compliance test report shall conform to the standard format specified by the Department.
 - f) All compliance tests shall be conducted at ninety (90%) percent of the unit's permitted capacity or greater to demonstrate compliance with the permitted emission limits. Compliance testing at other than 90% production levels shall be performed at the Department's request and/or approval.

- g) One copy of the compliance test results shall be submitted to the Department Enforcement Section within thirty (30) days after the completion of testing.

Unit Specific Compliance Testing

Unit Number	Initial Compliance Test	Frequency of Compliance Test
1	Not required*	Not required*

*Compliance tests have not been imposed for this unit at this time, but may be imposed if inspections of the source indicate non-compliance with permit conditions.

7. **Modifications**-- Condition 7 has been placed in the permit in accordance with 20.11.41.7.U NMAC to enable the Department to review proposed changes to the facility which may constitute a permit modification prior to such changes. Compliance will be based on Department inspections and the submittal of a new permit application for any modification.
- a) Any future physical changes or changes in the method of operation which results in an increase in the pre-controlled emission rate may constitute a modification as defined by 20.11.41.7.U NMAC. No modification shall begin prior to issuance of a permit. Modifications or revisions to this permit shall be processed in accordance with 20.11.41 NMAC.
8. **Compliance Assurance/Enforcement**-- All air pollution emitting facilities within Bernalillo County are subject to all applicable Albuquerque/Bernalillo County Air Quality Control Regulations, whether listed in this permit or not.
- a) The issuance of a permit or registration does not relieve the Facility from responsibility of complying with the provisions of the Air Quality Control Act, and the laws and regulations in force pursuant to the Act (20.11.41.18 NMAC).
- b) Any conditions imposed upon the Facility as the result of a Construction Permit or any other permit issued by the Department shall be enforceable to the same extent as a regulation of the Board (20.11.41.19.D NMAC).
- c) The Department is authorized to issue a compliance order requiring compliance and assessing a civil penalty not to exceed Fifteen Thousand and no/100 Dollars (\$15,000) per day of noncompliance for each violation, commence a civil action in district court for appropriate relief, including a temporary and permanent injunction (74-2-12 NMSA).
- d) Scheduled and Unscheduled Inspection (74-2-13 NMSA)-- The Department will conduct scheduled and unscheduled inspections to insure compliance with the Air Quality Control Act, the laws and regulations in force pursuant to the Act, and this Permit, and, upon presentation of credentials:
- Shall have a right of entry to, upon, or through any premises on which an emission source is located or on which any records required to be maintained by regulations of the Board or by any permit condition are located;
 - May at any reasonable time have access to and copy any records required to be established and maintained by Regulations of the Board, or any permit condition;
 - May inspect any monitoring equipment and method required by Regulations of the Board or by any permit condition; and,
 - Sample any emissions that are required to be sampled pursuant to Regulation of the Board, or any permit condition.

- e) Any credible evidence may be used to establish whether the facility has violated or is in violation of any regulation of the Board, or any other provision of law. Credible evidence and testing shall include, but is not limited to (20.11.41.27A and B NMAC):
- i. A monitoring method approved for the source pursuant to 20.11.42 NMAC “Operating Permits” and incorporated into an operating permit;
 - ii. Compliance methods specified in the Regulations, conditions in a permit issued to the facility, or other provision of law;
 - iii. Federally enforceable monitoring or testing methods, including methods in 40 CFR Parts 51, 60, 61, and 75; and,
 - iv. Other testing, monitoring or information-gathering methods that produce information comparable to that produced by any CFR method and approved by the Department and EPA.
9. **Posting of the Permit**-- Compliance will be based on Department inspections of the facility, which show that a copy of the permit has been posted in a visible location. A copy of this permit shall be posted in a visible location at the plant site at all times. The permit shall be made available to Department personnel for inspection upon request.
10. **Annual Fees**-- Condition 10 has been placed in the permit in accordance with 20.11.2 NMAC to allow the Department to determine compliance with the terms and conditions of the permit. Compliance will be based on the receipt of the annual emissions fee due each year to the Department pursuant to 20.11.2 NMAC. Every owner or operator of a source that is required to obtain a Source Registration, a Construct Permit, an operating permit, or a preconstruction permit shall pay an annual emissions fee pursuant to 20.11.2 NMAC, 20.11.40 NMAC, 20.11.41 NMAC, 20.11.42 NMAC, 20.11.60 NMAC, 20.11.61 NMAC, or 20.11.62 NMAC.

**Facility Wide Fee Pollutants
(Tons Per Year)**

Fee Pollutant	Facility Wide Fee Pollutant Totals in Tons per Year (TPY)
Carbon Monoxide (CO)	0*
Oxides of Nitrogen (NO _x)	0*
Non-Methane Hydrocarbons (NMHC)**	--
Oxides of Sulfur (SO _x)	0*
Total Suspended Particulate Matter (TSP)	0*
Facility Wide Fee Pollutants Totals (TPY)	0*

*Emissions negligible regarding fees and are rounded to zero tpy. Fee will be the set at the minimum \$335.00 pursuant to 20.11.2.21.E(1).

** Emissions combined for NO_x and NMHC

The remainder of this page has been intentionally left blank.

II. ADDITIONAL REQUIREMENTS

1. **Permit Cancellation**-- The Department may cancel any permit if the construction or modification is not commenced within two (2) years from the date of issuance or if, during the construction or modification, work is suspended for a total of one (1) year pursuant to 20.11.41.20.B NMAC.

Application for permit modifications, relocation notices, and items listed under **ADDITIONAL REQUIREMENTS** shall be submitted to:

Albuquerque Environmental Health Department
Air Quality Program
Permitting Section
P.O. Box 1293
Albuquerque, New Mexico 87103

Test protocols and compliance test reports shall be submitted to:

Albuquerque Environmental Health Department
Air Quality Program
Attention: Enforcement Supervisor
P.O. Box 1293
Albuquerque, New Mexico 87103

All reports shall be submitted to:

Albuquerque Environmental Health Department
Air Quality Program
Attention: Compliance Officer
P.O. Box 1293
Albuquerque, New Mexico 87103